

Minutes

Utah Council on Victims of Crime

Thursday, August 27, 2009

Lunch - 11:30 a.m.

Meeting - 12:00 p.m

Beehive Room

Utah State Capitol

(Ground floor of East Building)

In Attendance:

Reed Richards	James Swink	Tammie Atkin
Shelley Wright	Mel Wilson	Laura Blanchard
Christine Watters	Doug Fawson	Yvette Evans
Shanna Wettstein	Cecelia Swainston	Ed Berkovich
Kirk Torgensen	Patricia Sheffield	Ned Searle
Kyle Goudie	Susan Ritter, Guest	Gina Bellazetin, Guest
Shelley Haupt, Guest	Marlesse Whittington, Guest	Heidi Nestel, Guest
Brandon Simmons, Guest	Spencer Banks, Guest	Tony Graff, Guest
Kristy Winn, Guest	Allison Williams	

MINUTES

Agenda Item:	Welcome, Reed Richards
Discussion:	Reed welcomed Susan Ritter and Gina Bellazetin from the Utah Health and Human Rights Project. He also introduced Shelley Haupt from Sevier County Attorney's Office who is hoping to be the new 6 th Judicial District Victims Rights Chair. Marlesse Whittington was also there, who pending the presiding judges action, will be the new 2 nd Judicial District Victims Rights Chair. Yvette Evans brought three interns from the Clinic: Spencer Banks, Tony Graff and Kristy Winn. Since there were so many visitors in attendance Reed had everyone go around the room and introduce themselves.

Agenda Item:	Human Trafficking/Refugee Crime, Susan Ritter, Gina Bellazetin and Cecelia Swainston
Discussion:	Cecelia Swainston introduced Susan Ritter, the executive director of UHHP, who will be giving an overview of the Human

	<p>Trafficking Initiative which began in late 2005.</p> <p>Susan said that at UHHP they work with refugees, especially those with trauma from war and human trafficking. In these early years they have informally interviewed about 30 different agencies and asked them to think, of the clients that had come through their offices, if they had encountered victims of trafficking. About half of the people at these agencies thought they had seen these kinds of victims and served them the best they could as either a domestic violence or sexual assault victim. Susan tried to look at the problem and then create this project off of that. They applied for a federal grant in conjunction with the Salt Lake City P.D. and Prosecutor's Office, which is going into its fourth year. Their main purpose is to identify victims through outreach and their second purpose is to provide services. They accomplish this by working with this network of different agencies that have gotten very involved with serving their clients. They also try to be a single point of contact for law enforcement.</p> <p>There are about 30 different taskforces throughout the country like the one that Utah now has. The taskforce here in Utah has about 40 agencies on it. Their last count of serving victims was about 120 people. Salt Lake City P.D. has trained a few hundred law enforcement and UHHP has trained over 1,200 providers across the state. Susan indicated that when you start looking for human trafficking you find it, so people need to be aware of what it looks like, especially now as they have seen an increase in sex trafficking cases. If a minor is involved in sex trafficking they don't need to have the element of physical coercion to convict which is good because a lot of times they use mental coercion because the trafficker oftentimes lives in the same area or town as the victim.</p> <p>Susan then went on to tell an anecdotal story about how a woman went into Centro Hispano stating that she was approached by a man in Guatemala at the hospital when her infant was hospitalized and this man promised to take care of her. She welcomed the assistance, but then she tried to escape; he brutally beat her repeatedly and involved her in other schemes and she never saw any of the money. He brought her to the U.S. and engaged her in the same schemes and seemingly never-ending cycle. She was in this situation in the U.S. for 4 years.</p>
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	<p>He was finally convicted of numerous accounts of child and sex abuse and is serving time in prison. She currently has a VISA and is able to stay here and be re-united with her daughter who had to be left behind in Guatemala.</p> <p>Susan indicated that most people who are trafficked come in on a work visa and then the traffickers won't let them leave because they tell their victims it's expired and so it makes them scared to leave the ranch or wherever they are being held. Susan told the Council though that the federal government can almost instantly adjust her status, as well as anyone else's, based on certain conditions.</p> <p>Immigrations and Customs Enforcement has never had specialized victim resources, which is where Susan will be leaving Utah to work with three other people. Non-governmental organizations and ICE will operate much more smoothly if they work together. An interesting question that we will find out more about is who is a victim according to ICE.</p>
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Agenda Item:	Senate Bill 81, CVR Effect, Mel Wilson
Discussion:	Senate Bill 81 was passed back in the legislative session and it imposed on local law agencies a responsibility to ensure the lawful citizenship or immigration status of the applicant for the services. Mel said he is grateful to the Attorney General's Office when he inquired if CVR had to comply with the provisions of that legislation because we thought it would cause a problem for people applying to CVR because they would be fearful that they would be deported. CVR ultimately is exempt from the verification process.

Agenda Item:	Restitution, Mel Wilson
Discussion:	Mel told the Council there was a recent Supreme Court decision in a negligent homicide case. In this particular case they put in an order of restitution, but refused the claim for loss of future wages which came to about \$600,000. They took this to the Supreme Court on August 4 th , where they said the statute means exactly what it says and that they need to order complete restitution. That provision is mandatory so judges need to adhere to it. Marlesse indicated that there are several problems with ordering complete restitution because there are gaps with

Victim Advocacy Manual	<p>the timing of the misdemeanor calendars. Also, the victim might not realize they need counseling and other services until six months later, for example.</p> <p>Kirk said that AP&P agents should be enforcing restitution and coming to special trainings about it because it is a critical part of their job. Mel said he agrees and it is especially critical to identify those cases quickly. Heidi said that in one of her cases, probation wasn't enforcing the restitution so she initiated an order to show cause and that seemed to work. Doug said he agrees with Heidi, this issue has to come to the top and speak to Robert Williams, who supervises the agents, asking him on behalf of the Council if they could enforce this. Reed suggested Doug take Kirk and Mel with him to speak with Robert. A lot of agents are good, but some don't want to deal with the restitution part of their job. If the enforcement of restitution comes from the top it will become a priority for the agents because then there would be repercussions for not following through on it. Part of the problem is that the agents think that those they are in charge of are doing good in all areas of probation except for restitution so they just let it slide.</p> <p>Nothing has been done on the victim advocacy manual because Mel and Reed first need to meet with the SWAVO steering committee. Patricia asked if this was to provide consistency across the state for all victim advocates and that is its purpose as well as to have similar forms for all advocates.</p>
Discussion: Pilot Project and Victim Restitution Enforcement and Collection Unit	<p>Mel has been doing some research and met with Heidi about utilizing the services of the Clinic to enforce these restitution orders with the help of grant funding. Mel said CVR receives on average \$400,000 of court ordered restitution which represents 5% of the reparation claims CVR is paying out; this is consistent over a five year time frame. He has also started to do research on where the court ordered restitution is coming from, if there are certain agencies that pay us more regularly than others. He found that particular jurisdictions enforce them and others we hardly receive any money from. He is trying to formulate a plan in-house and also with grant funds to create a restitution enforcement unit. He is still researching, but this is the status of it right now.</p>

Agenda Item:	Preservation of Assets, Kirk Torgensen
Discussion: Special AG's Office Unit	The Statewide Prosecutor's Conference has a whole session on the preservation of assets. It's not that difficult, it's a "we'll give you anything you need" kind of approach. It's great because even before the person is arrested they are going in and freezing their assets.

Agenda Item:	Legislation, James Swink
Discussion: Dating Violence	<p>Ned Searle</p> <p>Ned met with CCJJ and asked them if they would support the dating violence bill as a priority and they agreed to. Ned and his team have spent the last few months gathering data and some people aren't happy with the data results. He has sent some invitations out for a sponsor; they want a good republican. Representative Oda could be on board with some special education and information. Ned doesn't think it will pass this upcoming year because it has a fiscal note of \$92,000 so he just needs one more session to see who will support it. Those, like Senator Greiner, who are fighting him are fundamentally against it, so it's not likely they will ever support it. If we do pass it though, we are just adding more money into the system for protective orders.</p>
Discussion: Does a protective order automatically restrict a person from possessing a firearm?	Doug Anderson with the Department of Public Safety has researched the issue of protective orders and restriction of firearms. Ned has had a hard time contacting him, but once he does he will forward his findings to Ed and Kris Knowlton.
Discussion: Strangulation	<p>Ned Searle</p> <p>The strangulation bill will be at committee this September. Paul Boyden and Jacey Skinner are working with the language along with the Department of Corrections to make sure it won't have a fiscal note and if it doesn't then it should pass.</p>
Discussion: Post Conviction Issues	<p>Kirk Torgensen and Tammie Atkin</p> <p>Kirk and Tammie have put together a group of people from various offices and have met about five times to come up with a rule that is going to accomplish basically everything they wanted</p>

	<p>in the Constitutional Amendment that didn't go through last session. It will cut down in successive petitions, enforce procedural bar, etc. This rule is now going in front of the Civil Procedures Rules Committee that the Utah State Bar heads up. The rule has to be in place and adopted prior to the middle of December or it won't work. The Council would like to see this so Kirk will have Tom send it.</p>
Discussion: Son of Sam Statutes	<p>Yvette Rodier Evans</p> <p>Yvette had an intern look into this again and if the Council wants they can delve into it further. The short answer is she doesn't think Utah would survive and be found constitutional if the statute was litigated. Most statutes, like the New York one, have been deemed unconstitutional so she thinks we should modify the Utah code using other models such as Arizona. Reed would like her to continue with this and look at a re-write. As a side note, the First Amendment Center has a pretty thorough page about this with information.</p>
Discussion: Expungement	<p>James Swink</p> <p>The expungement statute is about finished and should be coming out soon and James will forward it to everyone to make any suggestions; it is a total re-write. SWAP-LAC is sponsoring it this year.</p>
Discussion: Other Legislative Issues	<p>The Judicial Victims Rights Chairs met this morning and they looked at the rules that govern the committee. Rule 4-602 talks about who is appointed to be the Chair and it seemed odd to the committee that the judges are the ones who make the decision. This is odd because it seems like the Council should appoint the chairs and also because sometimes the judges are the ones being complained against. At the time this rule was made the Council wasn't in statute so they didn't think it was appropriate for them to appoint the chairs. James thinks we should move this out of the judiciary and have the Council be the one to pick the committee chairs. The legislative committee will work on this.</p> <p>James also brought up the issue of sending their minutes to CVR and also CCJJ. In the rule it says the committee's are to forward their minutes to CVR and CCJJ who then forward them to all the other committee's. No one has been doing this because it is a</p>

	<p>confidentiality issue. James ultimately didn't think it was necessary for them to see each other's minutes.</p> <p>If anyone wants to do anything legislatively get it to James' committee by the next meeting which will likely be in October. James said if we know any of our legislators then to ask them about sponsoring bills because that would be a great help.</p>
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Agenda Item:	Training
<p>Discussion:</p> <p>Date</p> <p>Location & Cost</p> <p>Sub-committee (week long events)</p> <p>Award Nomination Process</p> <p>Crime Victim Participation</p>	<p>Annual Crime Victims Conference, Yvette Rodier Evans and Tammie Atkin</p> <p>Yvette said she has started working on next year's Conference and the Council decided to hold it on April 21st and 22nd since those dates are during the National Crime Victims Rights Week. Yvette and Tammie have started looking around and have found that there are hotels and conference centers at a relatively same cost as the Capitol. There are several negatives about the Capitol, which is why they have been looking for a place that better suits our needs. The hotel quoted a price which included everything except AV, but it is comparatively a good price. Yvette also thought since it is in Utah we should maybe have just local presenters which will save on costs, also. The Sheraton is a great place because of parking, all the rooms being in one area, etc. Reed said his main concern was finances so as long as a hotel compares similarly to the Capitol then the committee can use a hotel. Cecelia suggested we start early with an agenda and then she can pursue getting federal money for the hotel, which can be a hassle, but it'll pay for it. If we had a working lunch then they could cover it also. Shelley would be happy to help and be on the committee. Also a way to cut back is to give out fewer awards and to have award categories. Tammie said she would work on getting the awards donated, which would save several hundred. Heidi said it's good to have the recognition so we don't want to cut down the number of awards too much and James suggested we give out a maximum of four to five.</p>
<p>Discussion:</p> <p>Sub-committee members</p> <p>Requirement for DV Investigators</p>	<p>POST Victimology Training, Patricia Sheffield and Laura Blanchard</p> <p>Patricia has a current copy of the POST curriculum. Her goal is</p>

	<p>to make the officers aware of when they should turn over a child victim to appropriate authorities. POST is willing to let us do that just not extend their training, since they are very tight with their hours as is. Not being able to add hours is a matter of money: having to pay their salaries, house them up Salt Lake, etc. Putting training online isn't the best way to teach someone, so it would be preferred if we could do this in person. Kirk said he could take an hour when he teaches an advanced course to go over this so Patricia will draft an outline for him. James indicated that the victims' rights committees are charged with educating the public and the committee could annually train law enforcement about these issues. Ned will follow up with Heather Stringfellow and then talk with Patricia.</p>
Discussion:	<p>Judicial Training, Reed Richards</p> <p>Reed said it is too late to get on the judge's court calendar agenda, but he will take the initiative to get us on the May training.</p>
Discussion:	<p>Victim Impact Education Program, Doug Fawson</p> <p>Doug has had some contact with the Board about these victim impact classes being held in the prison. The Department wants everyone to have it, but they said hold off on absolutely saying that because they need to think of how best to implement it. If we meet in October Doug will have something more substantial as to how they will implement this.</p>

Agenda Item:	Juvenile Justice Issues, Patricia Sheffield and Kyle Goudie
Discussion: Treatment for low risk offenders	<p>Juvenile Justice Services should be applying most of their funds to the high risk offenders which constitute about 7% of the population. They have a graduated sanctions model which consists of five tiers. Kyle will bring a copy of that to our next meeting and talk about it further.</p>
Discussion: Restitution	<p>Kyle said he couldn't think of a time when he terminated a youth prior to completion of restitution. He's seen fines waived but never the restitution not completed. If they were 18 and still had restitution they still won't terminate it, although it would be different if they were 21. Patricia would like further information from Kyle on this. Mel asked if there was an easier way to see where the checks come from and Kyle indicated there is a liaison</p>

	in the courts, dependent upon funding, dealing with any restitution issue. In Shelley's district they don't have funding, so she has somewhat taken on this role. The system somewhat funds itself so maybe that's why it works so well in the juvenile system as opposed to the adult court system.
Discussion: Advocates	VOCA funds four people as victim advocates. Christine said she wanted to send a letter out to SWAVO asking for feedback on juvenile services. Patricia asked Kyle when mediators were brought in and he said very rarely.

Agenda Item:	Defense Attorney Victim Advocates, Cecelia Swainston and Tammie Atkin
Discussion:	There is nothing really new to say on this. Arizona has had the same complaints as we have. There was suppose to be a letter written to these people, but it wasn't and we haven't heard from them since. Tom Brunker is working on something related to this about appellate provisions that he will get to Kirk.

Agenda Item:	Judicial District Victim Rights Committees, James Swink
Discussion: Bi-Annual Meetings	James said that at the meeting this morning five out of the eight chairs were there. The committee chairs want to meet a couple times a year. They talked about responsibilities as the chairs and ways to be more active in educating and distributing information, etc. They would especially like to be more active around Crime Victims Rights Week. They want to try and do PSA's throughout the year, as well. Tammie is working on putting links of the eight judicial district's committees on CVR's website.
Discussion: Develop PSA's, advertising, etc.	The committee would like to do the chap stick awareness program again if there is money and also have them present at various events.

Agenda Item:	DV Sentencing Matrix, Ned Searle
Discussion:	Ed Berkovich, Jacey Skinner, Moises Prospero and Ned are meeting Monday morning to have the matrix put into the sentencing guidelines so it'll be in there by January.

Agenda Item:	Children's Justice Centers Confidentiality Status, Laura Blanchard
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Discussion: Workgroup Formation	<p>Since the Council discussed the need for ensuring confidentiality, now as we find solutions it is important to look at the different entities involved and whether they are distribution points. What can be done to prevent the distribution, maliciously or not, of interview tapes? Laura has talked with some of the CJC directors and they feel that it should be a misdemeanor in any way if someone is in possession of or has used these tapes in any way. There is a state that has enacted this, but Laura can't remember it now, so we need to find the state and get it to the legislative committee. It was suggested that we have someone from DCFS involved. Heidi said on the opposite side of the spectrum some parents have asked for these tapes so they can know what kind of therapy to get for their child, etc. Laura would like to start with educating all these entities that are possible distribution points so they can tighten things in their own agencies. Mel suggested a judge come to one of the victim rights committee meetings. Laura said any one who wants to is welcome to participate.</p>
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Agenda Item:	Next Meeting
Discussion:	29 th of October at noon

Action Items:	
	<ul style="list-style-type: none"> • Mel's group meet with the SWAVO steering committee • Doug take Mel and Kirk with him to speak to AP&P • Ned forward the protective order and firearms findings • Kirk have Tom e-mail the post-conviction rule • Yvette keep researching Son of Sam statute • James forward expungement statute • Legislative committee work on changing appointments of committee chairs • Reed work on getting on the judges May training • Conference committee work on location and lowering costs • Patricia draft an outline for Kirk to teach in his courses • Ned get in contact with Heather and then Patricia • Kyle bring copy of graduated sanctions model to talk about at next meeting • Kyle send more info to Patricia on juvenile and restitution issues • Find state that has enacted confidentiality laws and give to

	legislative committee
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